IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	D.A. Louis	Attorney Docket No.:	SPCI115495
Application No.:	09/842366	Art Unit: 2455 / Confirmation No.:	6571
Filed:	April 24, 2001	Examiner: Asad M. Nawaz	
Title:	METHOD, SYSTEM, AND APPARATUS FOR PROVIDING DATA REGARDING THE OPERATION AND MONITORING OF A CONTROL SYSTEM		

APPELLANT'S REPLY BRIEF

Seattle, Washington 98101

August 24, 2010

TO THE COMMISSIONER FOR PATENTS:

This Reply Brief is filed in response to the Examiner's Answer dated June 24, 2010 to the Appellant's Appeal Brief filed November 18, 2009. As explained in the Appeal Brief filed on November 18, 2009, and supplemented below, the cited references fail to teach or render obvious the combination of features recited in the pending claims. Reversal of the Examiner's rejection and issuance of the pending claims is respectfully requested.

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I. STATUS OF CLAIMS

Claims 1-18, 27-28, 31, and 33-37 have been rejected, and it is these claims that are being appealed. Claims 19-26, 29, 30, and 32 have been cancelled.

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II.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds presented for appeal are as follows:

Ground 1: Whether Claims 1–9, 12–15, 17, 18, 27, 28, 31, and 33–37 are obvious under 35 U.S.C. § 103(a) in view of Papadopoulos et al. and Haverstock et al.

Ground 2: Whether Claims 10, 11, and 16 are obvious under 35 U.S.C. § 103(a) in view of Papadopoulos et al., Haverstock et al., and Sharood et al.

Ground 3: Whether Claims 1–9, 12–15, 17, 18, 27, 28, 31, and 33–37 satisfy the written description requirement of 35 U.S.C. § 112.

Ground 4:   Whether Claims 1-18 are indefinite pursuant to 35 U.S.C. § 112, second paragraph.

III.   SUMMARY OF EXAMINER'S ANSWER

In response to Appellant's Appeal Brief filed November 18, 2009, the United States Patent and Trademark Office mailed an Examiner's Answer on June 24, 2010. In the Examiner's Answer, Claims 1–9, 12–15, 17, 18, 27, 28, 31, and 33–37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Papadopoulos et al. (U.S. Patent No. 6,282,454) in further view of Haverstock et al. (U.S. Patent No. 6,401,131) for similar reasons that were set forth in the final Office Action mailed January 22, 2009. Claims 10, 11, and 16 also stand rejected as being obvious under 35 U.S.C. § 103(a) in view of Papadopoulos et al., Haverstock et al., and Sharood et al. Further, Claims 1–9, 12–15, 17, 18, 27, 28, 31, and 33–37 remain rejected for failing to satisfy the written description requirement of 35 U.S.C. § 112 and Claims 1-18 remain rejected as being indefinite pursuant to 35 U.S.C. § 112.

The Examiner's Answer additionally provides arguments responsive to the remarks set forth in Appellant's Appeal Brief. This Reply Brief addresses at least one major argument set forth in the Examiner's Answer.

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IV.   REPLY ARGUMENT

Appellant reaffirms the arguments submitted in the appeal brief dated August 5, 2009. In addition, appellant wishes to respond to certain points raised in the Examiner's Answer.

In response to appellant's argument that Haverstock et al. fails to teach "a Web server module configuration application associated with the remote computer operative to create said non-markup language Web site database from information obtained locally at the remote computer," the Examiner has clarified the Office's position in the Examiner's Answer by stating that Haverstock et al. was not utilized to teach the Web server module configuration application as recited in Claim 1. Rather, Haverstock et al. was only relied upon to teach data that defines attributes of said Web site. (Examiner's Answer, page 13.) As a result, to maintain a *prima facie* case of obviousness, Papadopoulos et al. must, therefore, teach the following limitations recited in pending Claim 1:

> (a).   a remote computer operative to receive user-defined non-markup language configuration data defining attributes of said Web site, to store said configuration data as said non-markup language Web site database, to transmit said non-markup language Web site database to said Web server module, and to request and receive said markup language Web page from said Web server module

> (b). a Web server module configuration application associated with the remote computer operative to create said non-markup language Web site database from information obtained locally at the remote computer and to transmit said database to said Web server module in response to the request

Appellant respectfully asserts that Papadopoulos et al. fails to teach either the remote computer or the Web server module configuration application recited in Claim 1.

Papadopoulos et al. discusses a remote computer having a web browser that can be used to view the contents of a web site. (Papadopoulos et al., Col. 3, lines 32-35). Papadopoulos et al. further discusses that the web site provides one or more pages that will allow access to registers with a programmable logic controller (PLC). (Papadopoulos et al., Col. 9, lines 56-63;

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see also, col. 4, lines 43-46). In contrast to Claim 1, Papadopoulos et al. fails to teach that the remote computer "receive(s) user-defined non-markup language configuration data defining attributes of said Web site" and "store(s) said configuration data as said non-markup language Web site database." In further contrast to Claim 1, Papadopoulos et al. fails to teach a Web server module configuration application associated with the remote computer that "create(s) said non-markup language Web site database from information obtained locally at the remote computer."

The Examiner now cites col. 4, lines 36-45, col. 5, lines 20-28, and col. 9, lines 9-16 in support of its contention that Papadopoulos et al. teaches the remote computer of Claim 1, and now cites col. 4, lines 36-46, col. 5, lines 20-28, col. 8, lines 1-3 and 37-40, and col. 9, lines 9-16 in support of its contention that Papadopoulos et al. teaches the Web server module configuration application of Claim 1. (Examiner's Answer, page 5). However, from a careful review of these sections of Papadopoulos et al., no such teachings can be found.

In particular, the only relevant portion of col. 4, lines 36-45 is the discussion that a user can control and view configuration information of the PLC using a web browser at a remote location through the Internet. Likewise, the only relevant portion of col. 5, lines 20-28 is the discussion that MSTR (master) functions allow programs running on the PLC to send commands to a remote node on the TCP/IP network and receive a response. From col. 8, 37-40, Papadopoulos et al. discusses that different request types allow a user to acquire a snapshot of the PLC operations by allowing a view of various registers within the PLC and dual memory. From col. 9, 9-16, Papadopoulos et al. discusses that the register data (from the PLC) is displayed in a template having a form and table, with the user being able to enter an address and length.

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All of these passages cited by the Examiner only relate to either sending and receiving requests at the web server or displaying via a browser various PLC operational data as a template at what appears to be the remote computer based on a user request. However, nothing in these passages teach a Web server module configuration application associated with the remote computer that obtains, locally at the remote computer, user-defined non-markup language configuration data defining attributes of said Web site nor teaches the creation of the non-markup language Web site database from the obtained user-defined non-markup language configuration data, which is then subsequently used by the Web server module to dynamically generate the Web site. In other words, Papadopoulos et al. clearly fails to teach "a remote computer operative to receive user-defined non-markup language configuration data defining attributes of said Web site, to store said configuration data as said non-markup language Web site database, (and) to transmit said non-markup language Web site database to said Web server module" and "a Web server module configuration application associated with the remote computer operative to create said non-markup language Web site database from information obtained locally at the remote computer and to transmit said database to said Web server module in response to the request," as recited in Claim 1.

And since nothing in Papadopoulos et al. teaches or suggests "a remote computer operative to receive user-defined non-markup language configuration data defining attributes of said Web site, to store said configuration data as said non-markup language Web site database, (and) to transmit said non-markup language Web site database to said Web server module" and "a Web server module configuration application associated with the remote computer operative to create said non-markup language Web site database from information obtained locally at the remote computer and to transmit said database to said Web server module in response to the request," Papadopoulos et al. also fails to teach or suggest that the Web server module

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"receive(s) the non-markup language database <u>from the remote computer</u> in a request" for "dynamically generat(ing) a markup language Web page," as recited in Claim 1. (Emphasis added).

Claim 27 recites a method that was rejected in the Office Action on the same basis as the system recited in Claim 1. In this regard, independent Claim 27 recites:

> receiving user-defined non-markup language configuration data defining attributes of a Web site ... storing said configuration data as a non-markup language Web site database; and in response to a request, dynamically generating a Web page defined by the non-markup language configuration data stored as a non-markup language Web site database that provides information regarding the operation of a control system, wherein said markup language Web page is generated dynamically without persisting on a Web server.

These elements in Claim 27 are substantially similar to corresponding elements in Claim 1. Because the subject matter of these features as recited in Claim 27 is not taught or suggested by the reference as described above in regard to Claim 1, these features of Claim 27 are likewise not taught or suggested by Papadopoulos and Haverstock, alone or in combination.

For at least these reasons described above, and the additional reasons set forth in Appellant's Appeal Brief filed November 18, 2009, appellant asserts that Claims 1-18, 27-28, 31, and 33-37 are not obvious based on the combination of Papadopoulos et al. in view of Haverstock et al, or the combination of Papadopoulos et al., Haverstock et al., and Sharood et al.

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V. CONCLUSION

In view of the above arguments and those presented in appellant's Appeal Brief, appellant submits that claims 1-18, 27-28, 31, and 33-37 are not obvious pursuant to 35 U.S.C. § 103(a).

The rejection of Claims 1-18, 27-28, 31, and 33-37 should be reversed and the claims allowed.

Respectfully submitted,

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